

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PATRICK CALHOUN, ET AL., ON  
BEHALF OF THEMSELVES AND ALL  
OTHERS SIMILARLY SITUATED,

CV-20-5146-LHK/SVK  
CV-20-3664-LHK/SVK  
CV-21-2155-LHK/SVK

PLAINTIFFS,

SAN JOSE, CALIFORNIA

VS.

JUNE 2, 2021

GOOGLE INC.,

PAGES 1 - 79

DEFENDANT.

**SEALED**

\_\_\_\_\_  
AND RELATED CASES.

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TRANSCRIPT OF ZOOM PROCEEDINGS  
BEFORE THE HONORABLE SUSAN VAN KEULEN  
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S

FOR THE PLAINTIFFS: BOIES, SCHILLER & FLEXNER LLP  
BY: JAMES W. LEE  
HSIAO C. MAO  
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(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY,  
TRANSCRIPT PRODUCED WITH COMPUTER.

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A P P E A R A N C E S: (CONT'D)

FOR THE PLAINTIFFS:

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(APPEARANCES CONTINUED ON THE NEXT PAGE.)

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A P P E A R A N C E S: (CONT'D)

FOR THE DEFENDANT:

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SAN JOSE, CALIFORNIA

JUNE 2, 2021

P R O C E E D I N G S

(COURT CONVENED AT 1:35 P.M.)

THE COURT: GOOD AFTERNOON. WELCOME TO OUR GOOGLE  
DISCOVERY HEARING IN THE CALHOUN, BROWN, AND HEWITT MATTERS.  
THANK YOU ALL FOR GETTING HERE, AND WE'LL GET PROMPTLY  
UNDERWAY.

WHAT I WANT TO DO, AND I'LL HAVE MS. FANTHORPE CALL BOTH  
CALHOUN AND BROWN AND I'LL GET EVERYONE'S APPEARANCES, BUT LET  
ME JUST TELL YOU -- I'LL TELL YOU WHAT, WE'LL DO THAT AND THEN  
I'LL LAY OUT HOW WE'RE GOING TO PROCEED TODAY.

THE CLERK: SOUNDS GOOD. CALLING CASE 20-CV-03664,  
BROWN, ET AL., VERSUS GOOGLE LLC ET AL.

COUNSEL, PLEASE IDENTIFY YOURSELVES FOR THE RECORD  
BEGINNING WITH THE PLAINTIFF.

MR. LEE: GOOD AFTERNOON.

THIS IS JAMES LEE FROM BOIES, SCHILLER & FLEXNER  
REPRESENTING THE PLAINTIFFS.

I'M GOING TO LET MY COLLEAGUES WHO ALSO REPRESENT THE  
PLAINTIFFS INTRODUCE THEMSELVES.

MR. MAO: GOOD AFTERNOON AND EVERYONE IN THE COURT.

THIS IS MARK MAO BOIES, SCHILLER & FLEXNER REPRESENTING  
THE PLAINTIFFS.

MR. RICHARDSON: GOOD AFTERNOON.

BEKO RICHARDSON, BOIES, SCHILLER & FLEXNER ON BEHALF OF

02:25PM 1 THE COURT: I APPRECIATE THAT. BUT, AGAIN, A MORE  
02:25PM 2 DETAILED ARGUMENT ON THE ACCESS POINT OR THE CLEAN ROOM POINT  
02:25PM 3 IS PREMATURE BECAUSE I WANT TO -- WE'VE HAD THIS PRODUCTION NOW  
02:25PM 4 AND THEN THERE'S A 30(B)(6) COMING UP ON THIS AND RELATED  
02:25PM 5 TOPICS, AND IT MAY BE APPROPRIATE, BUT I WANT THE PARTIES TO  
02:25PM 6 GET THROUGH THAT PROCESS. I WANT A ROBUST MEET AND CONFER, AND  
02:25PM 7 I THINK THERE NEEDS TO BE, AGAIN, AN ISSUE THAT COMES UP HERE,  
02:25PM 8 AS SAID IN THE PAPERS ALSO, IS, OF COURSE, ALL OF THE  
02:26PM 9 INFORMATION ABOUT THE DATABASES AND WHAT IS AND ISN'T TRACKED,  
02:26PM 10 AND IS AND ISN'T ABLE TO LINK UP GOOGLE KNOWS AND PLAINTIFFS  
02:26PM 11 DON'T KNOW. THAT'S OBVIOUSLY TO A CERTAIN EXTENT WHAT  
02:26PM 12 DISCOVERY IS FOR.

02:26PM 13 BUT IT IS NOT CART BLANCHE TO ALL OF GOOGLE'S SYSTEMS. SO  
02:26PM 14 WE'RE TRYING TO NAVIGATE THIS IN A FAIR AND REASONABLE WAY, AND  
02:26PM 15 IT'S TIED BACK, AND IT WILL CONTINUE TO TIE BACK TO THE PROPER  
02:26PM 16 DEFINITIONS OF THE CLASS.

02:26PM 17 SO WE'VE MADE PROGRESS, BUT WE'RE CONTINUING TO MAKE  
02:26PM 18 PROGRESS. I'M GLAD WE GOT THE UNAUTHENTICATED IDENTIFIERS  
02:26PM 19 SITUATION WORKED OUT, THAT'S GOOD, OR AT LEAST ADDRESSED AT  
02:26PM 20 THIS PHASE. THAT INFORMATION HAS BEEN PRODUCED, THOSE SEARCHES  
02:26PM 21 ARE BEING RUN, LET'S GET THE 30(B)(6), AND THEN I WANT THE  
02:27PM 22 PARTIES TO MEET AND CONFER, AND I'LL TAKE FURTHER STATEMENT ON  
02:27PM 23 THAT, AND I'LL LAY THAT OUT IN AN ORDER IN DUE COURSE. OKAY?

02:27PM 24 ALL RIGHT. SO THAT'S ACCESS TO PLAINTIFFS' DATA IN BROWN.  
02:27PM 25 AND I WANT TO TURN TO ACCESS TO PLAINTIFFS' DATA IN CALHOUN.

03:48PM 1 ALL RIGHT. THANK YOU ALL VERY MUCH FOR YOUR TIME AND  
03:48PM 2 ATTENTION AND IMPORTANTLY PREPARATION FOR TODAY, AND WE WILL  
03:48PM 3 KEEP MOVING FORWARD.

03:48PM 4 THANK YOU. AND THAT CONCLUDES THESE MATTERS. WE ARE  
03:48PM 5 ADJOURNED.

03:48PM 6 MR. LEE: THANK YOU, YOUR HONOR.

03:48PM 7 MR. SCHAPIRO: THANK YOU, YOUR HONOR.

03:48PM 8 MS. WEAVER: THANK YOU.

03:48PM 9 (COURT CONCLUDED AT 3:48 P.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

DATED: JUNE 2, 2021